

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

JAMES B. HEARNS, JR.,

\*

Case No. 1:02cv00496

Plaintiff

\*

Judge Bertelsman

vs.

\*

JEFF WYLER FAIRFIELD, *et al.*,

\*

**PLAINTIFF'S NOTICE OF  
DISMISSAL OF COUNTS  
FIVE AND SIX OF THE  
COMPLAINT**

Defendants.

\*

\*

Now comes plaintiff, by and through the undersigned counsel, and notifies the Court of the voluntary dismissal of Count Five (Gender Discrimination-Federal), paragraphs 84-92, and Count Six (Gender Discrimination-State), paragraphs 93 and 94, of the Complaint in this matter.

Respectfully submitted,

**s/Bryan R. Perkins**

Bryan R. Perkins, Bar No. 0061871

Trial Attorney for Plaintiff

119 East Court Street

Suite 314

Cincinnati, Ohio 45202

Telephone: (513) 929-4449, fax 929-4530

E-mail: [bperkins@courtstreeteast.com](mailto:bperkins@courtstreeteast.com)

**CERTIFICATE OF SERVICE**

I hereby certify that on December 28, 2004, I electronically filed the foregoing with the Clerk of Courts using the CM/ECF system which will send notification of such filing to Donald W. White, Nichols, Speidel & Nichols, 237 Main Street, Batavia, Ohio 45103 and to H. Elizabeth Mason, Nichols, Speidel & Nichols, 237 Main Street, Batavia, Ohio 45103.

**s/Bryan R. Perkins**

Bryan R. Perkins, Bar No. 0061871  
Trial Attorney for Plaintiff  
119 East Court Street  
Suite 314  
Cincinnati, Ohio 45202  
Telephone: (513) 929-4449, fax 929-4530  
E-mail: [bperkins@courtstreeteast.com](mailto:bperkins@courtstreeteast.com)